

AMENDED IN SENATE JULY 3, 2003  
AMENDED IN ASSEMBLY JUNE 2, 2003  
AMENDED IN ASSEMBLY MAY 6, 2003  
AMENDED IN ASSEMBLY APRIL 22, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1266**

**Introduced by Committee on Budget**

February 21, 2003

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An act to amend Sections ~~52055.650, 60800, 69440, 76355~~ *52055.610, 52055.650, 53081, 53083, 60423, 60601, 60800, 69440,* and 84750 of, to ~~add Sections 18866, 60227~~ *amend, repeal, and add Sections 60640 and 60642 of, to add Sections 18866, 52055.54, 60227,* and 69999.3 to, to add Chapter 4.6 (commencing with Section 18880) to Part 11 of, *to add and repeal Section 60422.1 of,* to repeal Sections 426 and 14044 of, to repeal Article 4.2 (commencing with Section 18733) and Article 4.5 (commencing with Section 18735) of Chapter 4 of Part 11 of, and *Article 5 (commencing with Section 60650) of Chapter 5 of Part 33 of,* to repeal Chapter 7 (commencing with Section 99300) of Part 65, ~~of of,~~ *and to repeal and add Section 53084 of,* the Education Code, and to repeal Chapter 1.2 (commencing with Section 628) of Title 15 of Part 1 of the Penal Code, relating to schools, *making an appropriation therefor;* and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 1266, as amended, Committee on Budget. ~~schools~~ *Schools.*

(1) Existing law requires the State Librarian to contract for an independent evaluation of a specified portion of the English Language and Intensive Literacy Program and to submit interim reports to the Legislature, as specified.

This bill would repeal those provisions.

(2) Existing law establishes the California Library Literacy Service as a public library services program designed to reduce adult illiteracy by providing English language literacy instruction and related services to adults and youth who are not enrolled in school. Existing law also establishes the Families for Literacy Program, a library services program with the purpose of preventing illiteracy through coordinated literacy and preliteracy services to families that include illiterate adults and young children.

This bill would repeal those programs and instead would establish the California *Library Literacy and English Acquisition and Literacy Services* Program to reduce illiteracy among children and adults by providing English language literacy instruction and related services to native and nonnative English speaking youth and adults residing in California.

(3) Existing law establishes the Library of California Act under which program elements of the California Library Services Act would be phased out and repealed.

This bill would provide that funding for the Library of California Act is contingent upon an appropriation in the annual Budget Act for that purpose.

(4) *Existing law authorizes invited schools that score below the 50th percentile on specified achievement tests to receive planning grants under the Immediate Intervention/Underperforming Schools Program (IIUSP). Under the existing IIUSP, a school that has not met its growth targets and has failed to show significant growth 24 months after receiving grant funding under that program is deemed a state-monitored school, and may be, among other things, placed under the management of designated entities, or may be required to enter into a contract with a school assistance and intervention team for purposes of implementing the recommendations contained in the report prepared by that team for purposes of school improvement.*

*This bill would provide that from funds appropriated each year in the annual Budget Act to the State Department of Education for purposes of the federal No Child Left Behind Act or from state funds appropriated for this purpose, an allocation is to be made by the department to school*



*districts and county offices of education (1) to provide \$150 per pupil for each pupil in a school that is required to enter into a contract with a school assistance and intervention team, (2) to provide \$150 per pupil for each pupil in a school that is managed by an entity designated to manage a state-monitored school under the IIUSP, (3) to provide funding for the support of each entity that is assigned to manage a state-monitored school, and (4) to provide \$75,000 for the support of each school assistance and intervention team assigned to an elementary or middle school and \$100,000 for each team assigned to a high school. The bill would authorize a school to receive up to \$125,000 if the State Department of Education determines that additional funding is justified.*

*(5) Existing law establishes the High Priority School Grant Program for Low Performing Schools under which funds are made available to eligible schools for implementation of a school action plan that includes specified components. Existing law sets forth deadlines for the application process to receive a grant pursuant to the program.*

*This bill would provide that, notwithstanding those deadlines, if funding is made available for this purpose, the State Board of Education may approve additional applications received for the program in the 2002–03 and 2003–04 fiscal years, if other specified requirements are met. This bill would also provide that a school participating in the program that received a planning grant in the 1999–2000 fiscal year is eligible to receive program funding in the 2002–03 fiscal year only and that a school participating in the program that received a planning grant in the 2001–02 fiscal year is eligible to receive program funding in the 2002–03 and 2003–04 fiscal years only.*

~~(5)~~

*(6) Existing law requires the Office of the Secretary for Education, the State Department of Education, the Chancellor's Office of California Community Colleges, and the Health and Human Services Agency to enter into an interagency agreement to establish the Interagency Partnership for School-to-Career Programs. Existing law appropriated \$2,000,000 from the General Fund to the Secretary for Education for purposes of the program.*

*This bill would require the State Department of Education, rather than the Interagency Partnership, to administer the School-to-Career Program. The bill would eliminate the appropriation and, instead, would provide that funding for the program is contingent upon an*



*appropriation for this purpose in the annual Budget Act or in other legislation.*

*(7) Existing law establishes the Instructional Materials Funding Realignment Program and requires a local governing board to use funding received pursuant to the program to ensure that each pupil is provided with a standards-aligned textbook or basic instructional materials, as provided. Existing law requires pupils to be provided with the textbooks or instructional materials by the beginning of the first school term that commences no later than 24 months after those materials were adopted by the State Board of Education.*

*This bill, instead, would provide that, until June 30, 2005, a local governing board shall use funds received pursuant to the program to ensure pupils are provided with standards-aligned textbooks or instructional materials by the beginning of the first school term that commences no later than 36 months after those materials are adopted by the State Board of Education.*

*(8) Existing law provides that for the 2002–03 and 2003–04 fiscal years only, a requirement that the governing board of a school district provide a pupil with standards-aligned instructional materials, may be satisfied if the governing board provides a pupil with standards-aligned instructional materials that were adopted by the State Board of Education pursuant to specified legislation enacted in 1998.*

*This bill would additionally allow that exception to apply in the 2004–05 fiscal year.*

*(9) Existing law requires a school district that maintains any of grades 5, 7, and 9 to administer to each pupil in those grades a physical performance test designated by the State Board of Education and requires the State Department of Education to compile the results of this test and to submit a report every 2 years to the Legislature and Governor on the test.*

*This bill would delete provisions regarding the requirement that the department compile test data and report to the Legislature and Governor.*

~~(6)~~

*(10) Existing law requires the State Board of Education to adopt basic instructional materials for use in kindergarten and grades 1 to 8, inclusive. Existing law further requires the state board to ensure that curriculum frameworks are reviewed and adopted in each subject area consistent with specified submission cycles.*



~~This bill would require the department to collect a fee from publishers and manufacturers submitting instructional materials for follow-up adoption following a curriculum framework revision. The bill would require the fee to be based on the volume of materials submitted by each publisher and manufacturer, prior to conducting a followup adoption, to notify all publishers and manufacturers known to produce basic instructional materials in that subject, that a fee will be assessed based on the number of programs the publisher or manufacturer indicates will be submitted. The bill would prohibit a review of a submission until the fee is paid in full. The bill would continuously appropriate to the department the revenue derived from this fee and would make the revenue available to the department from year to year until expended.~~

~~(7)~~

(11) Existing law establishes, until January 1, 2005, the Leroy Greene California Assessment of Academic Achievement Act to provide a system of individual assessment of pupils. The existing act establishes, among other things, the Standardized Testing and Reporting (STAR) Program and requires each school district, charter school, and county office of education to administer to each of its pupils in grades 2 to 11, inclusive, an achievement test and a standards-based achievement test.

This bill would extend the operative date of the act to January 1, 2007, thereby imposing a state-mandated local program. The bill would require, commencing on July 1, 2004, the achievement test to be administered to pupils in unspecified grades, and the standards-aligned achievement test to be administered to pupils in grades 2 to 11, inclusive.

(12) Existing law establishes the Golden State Examination Program to measure advanced pupil achievement on the academically rigorous content standards adopted by the State Board of Education.

This bill would repeal that program.

(13) Existing law establishes the Cal Grant Program, and requires that ~~Cal Grant C awards be used only for occupational or technical training in a course of not less than 4 months and Cal Grant T awards be used only for tuition and student fees for a maximum of one academic year of full-time attendance in a program of professional preparation that is approved by the Commission on Teacher Credentialing. Existing law requires that the same number of Cal Grant C awards are required to be made each year as were made in the 2001-02 fiscal year and a~~

minimum of 3,000 new Cal Grant T awards ~~are required to~~ be made each year.

This bill would delete the requirements regarding the number of ~~Cal Grant C awards and~~ Cal Grant T awards *that* are required to be made in a fiscal year.

~~(8)~~

~~(14)~~ Existing law establishes the Governor's Scholars Program under which a pupil may receive a scholarship award for attaining a high score, as specified, on the reading and mathematics portions of the statewide achievement test. Existing law also establishes the Governor's Distinguished Mathematics and Science Scholars Program under which a pupil may receive a scholarship award for demonstrating specified high academic achievement in mathematics and science.

This bill would provide that no award is to be made, nor is there any entitlement to an award, based on a test taken in 2003.

~~(9) Existing law authorizes the governing board of a community college district to require students to pay a fee in specified amounts for health supervision and to increase the fee. Existing law requires a community college district that provided health services in the 1986-87 fiscal year to maintain health services at the level and requires the district to bear the excess cost to maintain that level of service if the fees charged to students is insufficient.~~

This bill would delete the specified amounts of the fee that may be charged, the authority to increase the fee, and the requirement that the district bear the excess cost to maintain the level of service that was provided in 1986-87.

~~(10)~~

~~(15)~~ Existing law requires the Board of Governors of the California Community Colleges to develop, within certain statewide minimum requirements, criteria and standards for the purposes of making the annual budget request for the California Community Colleges.

This bill would revise the statewide minimum requirements on which the criteria and standards are to be based relative to decreases in noncredit FTES, in FTES for credit instruction and for instructional services and libraries, and decreases in headcount for student services.

~~(11)~~

~~(16)~~ Existing law, until June 30, 2003, establishes the Student Academic Partnership program to provide preservice training to prospective teachers and secure tutoring assistance for pupils in kindergarten and grades 1 to 6, inclusive.



This bill would repeal the program.

~~(12)~~

(17) Existing law requires that school districts report on crimes committed on school grounds, as specified. Existing law requires the State Department of Education, in consultation with the Department of Justice and a representative selection of school districts, to develop a standard school crime reporting form. Existing law requires the department to identify guidelines for reporting, and documentation for validating, the incidents of each crime description included on the standard school crime reporting forms, as specified.

This bill would repeal provisions regarding the reporting of school crime.

~~(13)~~

(18) *The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.*

*This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.*

(19) This bill would declare that it is to take effect immediately as an urgency statute.

Vote: <sup>2</sup>/<sub>3</sub>. Appropriation: ~~no~~ yes. Fiscal committee: yes. State-mandated local program: ~~no~~ yes.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 426 of the Education Code is repealed.
- 2 SEC. 2. Section 14044 of the Education Code is repealed.
- 3 SEC. 3. Article 4.2 (commencing with Section 18733) of
- 4 Chapter 4 of Part 11 of the Education Code is repealed.
- 5 SEC. 4. Article 4.5 (commencing with Section 18735) of
- 6 Chapter 4 of Part 11 of the Education Code is repealed.
- 7 SEC. 5. Chapter 4.6 (commencing with Section 18880) is
- 8 added to Part 11 of the Education Code, to read:
- 9





1 CHAPTER 4.6. CALIFORNIA ~~ENGLISH ACQUISITION AND LITERACY~~  
2 *LIBRARY LITERACY AND ENGLISH ACQUISITION SERVICES* PROGRAM  
3

4 18880. (a) The California ~~English Acquisition and Literacy~~  
5 *Library Literacy and English Acquisition Services* Program is  
6 hereby established within the California State Library as a public  
7 library program designed to reduce illiteracy among children and  
8 adults by providing English language literacy instruction and  
9 related services to native and nonnative English speaking youth  
10 and adults residing in California. For purposes of this article,  
11 “English language literacy instruction” means the development  
12 of basic skills of speaking, reading, and writing in the English  
13 language.

14 (b) The California State Library shall allocate funds  
15 appropriated in the Budget Act for the California ~~English~~  
16 ~~Acquisition and Literacy~~ *Library Literacy and English*  
17 *Acquisition Services* Program to local library jurisdictions that are  
18 effectively providing literacy services.

19 (c) At local discretion, jurisdictions may use their allocation  
20 from the State Literacy Program for any of the services described  
21 in Section ~~18737~~ 18881.

22 (d) The California State Library shall provide local  
23 jurisdictions with technical assistance to the extent that resources  
24 are available for this purpose.

25 18881. The California ~~English Acquisition and Literacy~~  
26 *Library Literacy and English Acquisition Services* Program for  
27 public libraries may be used for any of the following:

28 (a) (1) Services designed to reduce adult illiteracy by  
29 providing English language literacy instruction and related  
30 services to adults and youth who are not enrolled in school. A  
31 participating public library may establish an adult literacy  
32 instructional program that provides adult basic literacy instruction  
33 and related services. Participant learning shall be evaluated on the  
34 basis of statewide guidelines established by the State Librarian.

35 (2) The public library shall do all of the following in  
36 establishing and implementing the program:

37 (A) Seek community and local government awareness of and  
38 support for the program and develop a local commitment of  
39 resources for the program’s continuation.



1 (B) Develop cooperative relationships with other local literacy  
2 service providers and participate in existing community adult  
3 literacy coalitions, in order to address the wide variety of literacy  
4 needs of the community and ensure an effective utilization of  
5 resources. The public library shall assist in the establishment of a  
6 community adult literacy coalition if none currently exists.

7 (C) Recruit and train volunteers to provide tutoring and other  
8 services in public library and other community settings.

9 (D) Certify that the local jurisdiction will provide the same  
10 level of local and private fiscal support as it did in the preceding  
11 fiscal year.

12 (b) (1) Services to prevent illiteracy through coordinated  
13 literacy and preliteracy services to families that include illiterate  
14 adults and young children. The program shall provide reading  
15 preparation services for young children in public library settings  
16 and shall instruct parents in reading to their children. In addition,  
17 the program shall provide technical assistance, parent support, and  
18 any resources and materials necessary for its implementation.

19 (2) A public library implementing this service shall meet all of  
20 the following requirements:

21 (A) Offer new services to families with young children with the  
22 goal of helping the children become successful readers by  
23 increasing their general competence, self-confidence, and positive  
24 emotional associations with reading as a family experience and  
25 familiarity with the lifelong use of library resources. Recruitment  
26 of parents not previously included in public library literacy  
27 programs is a high priority.

28 (B) Families eligible for the program shall include, but not be  
29 limited to, those with young children up to the age of five years.

30 (C) Program meetings shall be held in public library settings.

31 (D) The public library literacy program staff and children's  
32 services staff shall work in close coordination with the State  
33 Library in administering the program to assure maximum  
34 integration of literacy services to parents and preliteracy services  
35 to their children.

36 (3) Services offered by a public library under this subdivision  
37 shall include the following:

38 (A) Acquisition of books, of appropriate reading levels for, and  
39 containing subjects of interest to, children for ownership by young  
40 children of families participating in the program.

1 (B) Regular meetings of parents and children in public library  
2 settings during hours that are suitable for parents and their  
3 children.

4 (C) Storytelling, word games, and other exercises designed to  
5 promote enjoyment of reading in adults and children.

6 (D) Use of children's books and language experience stories  
7 from the meetings as material for adult literacy instruction.

8 (E) Instruction for parents in book selection and reading aloud  
9 to children.

10 (F) Services to enhance full family participation and to foster  
11 a family environment conducive to reading.

12 (G) Assistance to parents in using services in order to access  
13 books and other materials on such topics as parenting, child care,  
14 health, nutrition, and family life education.

15 (H) Other services, as necessary to enable families to  
16 participate in the program.

17 (c) Services for pupils in kindergarten and grades 1 to 12,  
18 inclusive, and their families in local English language learner and  
19 literacy programs. Local libraries may offer year-round literacy  
20 and English language tutoring in collaboration with nonprofit and  
21 other local organizations.

22 18883. A local library shall ensure that funds received  
23 pursuant to this chapter are exclusively used for expenses resulting  
24 from providing English language and literacy services and shall  
25 ensure that at least 90 percent of the funds received for the program  
26 are expended on direct services and ~~supplies for English language~~  
27 ~~learners and their families.~~ *related materials.*

28 18884. The State Librarian shall provide a report by March 1,  
29 2004, to the Legislature that includes, but is not limited to, all of  
30 the following information:

31 (a) The amount of funding allocated pursuant to this chapter.

32 (b) The number of libraries or schools participating in the  
33 program.

34 (c) The types of services to be provided with funds received  
35 pursuant to this chapter.

36 (d) The number of English language learners participating in  
37 the program.

38 (e) The number of parents or adults participating in the  
39 program.



SEC. 6. Section 18866 is added to the Education Code, to read:

18866. Funding for the purposes of this chapter is contingent upon an appropriation being made for that purpose in the annual Budget Act.

SEC. 7. *Section 52055.54 is added to the Education Code, to read:*

*52055.54. From funds appropriated each year in the annual Budget Act to the department pursuant to Section 1003 of Title 1 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. Sec. 6301) or from state funds appropriated for this purpose, the following amounts shall be allocated by the department to school districts and county offices of education:*

*(a) The amount of one hundred fifty dollars (\$150) per pupil for each pupil in a school that is required to enter into a contract with a school assistance and intervention team pursuant to subdivision (a) of Section 52055.51, for purposes of implementing any recommendations made by the school assistance and intervention team in the report prepared by the team pursuant to subdivision (d) of Section 52055.51. School districts that receive funds under this subdivision shall provide an in-kind match of services, or a match of school district funds in an amount equal to the amount received pursuant to this subdivision.*

*(b) The amount of one hundred fifty dollars (\$150) per pupil for each pupil in a school that is managed in accordance with subparagraph (C) of paragraph (3) of subdivision (b) of Section 52055.5, for purposes of improving the academic performance of that school. School districts that receive funds under this subdivision shall provide an in-kind match of services, or a match of school district funds in an amount equal to the amount received pursuant to this paragraph.*

*(c) Funding for the support of each school assistance and intervention team that enters into a contract with a school district pursuant to subdivision (a) of Section 52055.51 shall be allocated as follows:*

*(1) Seventy-five thousand dollars (\$75,000) for each school assistance and intervention team assigned to an elementary or middle school.*

*(2) One hundred thousand dollars (\$100,000) for each school assistance and intervention team assigned to a high school.*

(3) If a school district determines that it needs more than the amounts specified in paragraphs (1) and (2), the school district may apply to the department for additional funding. The application shall include justification for the requested increase. The department and the Department of Finance shall review any applications and may provide funding up to a total funding level of one hundred twenty-five thousand dollars (\$125,000), including the amount provided pursuant to paragraph (1) or (2).

(4) As a condition of receipt of funds pursuant to this subdivision, a school district shall provide an in-kind match of services, or a match of school district funds, in an amount equal to one dollar (\$1) for every two dollars (\$2) provided pursuant to paragraphs (1), (2), or (3).

SEC. 8. Section 52055.610 of the Education Code is amended to read:

52055.610. (a) ~~Fourteen days after the effective date of the act adding this section, the~~ The Superintendent of Public Instruction shall establish a procedure that is consistent with this article for the approval of applications and school action plans.

(b) Notwithstanding the existing application process established pursuant to Article 3 (commencing with Section 52053), in developing an action plan to be submitted with the application for funding pursuant to this article, a school may choose from the following options:

(1) A school district on behalf of an eligible school under its jurisdiction may elect to receive fifty thousand dollars (\$50,000) as a planning grant from funds appropriated for purposes of this article. These planning grant funds shall be used for technical assistance in the development of the school action plan. Technical assistance includes assistance provided by school district personnel, county offices of education, universities, a state approved external evaluator, or any other entity that has proven successful expertise specific to the challenges inherent in low-performing schools. If the school action plan is approved, the Superintendent of Public Instruction shall provide funding for its implementation. Planning grant funds, as well as other funds available to school districts pursuant to this article, may be used for on-going technical assistance throughout the implementation of the action plan and continued participation in the program

1 established pursuant to Article 3 (commencing with Section  
2 52053) and the program established pursuant to this article.

3 (2) A school district, on behalf of an eligible school under its  
4 jurisdiction, may elect to forego the fifty thousand dollars  
5 (\$50,000) planning grant and immediately submit its application  
6 and school action plan. If a school chooses this option, the  
7 Superintendent of Public Instruction shall take one of the  
8 following actions:

9 (A) Recommend approval of the application by the State Board  
10 of Education and action plan and provide funding for  
11 implementation of the school action plan.

12 (B) Request additional clarification and technical changes,  
13 after which the school and district shall resubmit the application  
14 and school action plan with the clarifications and changes for  
15 approval. If the application and school action plan is approved, the  
16 Superintendent of Public Instruction shall provide funding for  
17 implementation of the school action plan.

18 (C) Disapprove the plan in which case a school district on  
19 behalf of an eligible school under its jurisdiction shall receive a  
20 fifty thousand dollar (\$50,000) planning grant that shall be used  
21 for technical assistance in the redevelopment of the school action  
22 plan according to the department's recommendations. Technical  
23 assistance includes assistance provided by school district  
24 personnel, county offices of education, universities, a state  
25 approved external evaluator, or any other entity that has proven  
26 expertise specific to the challenges inherent in low-performing  
27 schools.

28 (c) The following deadlines apply for the 2001–02 fiscal year:

29 (1) A school district on behalf of an eligible school under its  
30 jurisdiction shall submit the application and school action plan to  
31 the Superintendent of Public Instruction for review and approval  
32 by May 15, 2002.

33 (2) The Superintendent of Public Instruction shall make a  
34 recommendation to the State Board of Education regarding  
35 approval or disapproval of applications and school action plans by  
36 June 15, 2002. The State Board of Education shall approve or  
37 disapprove the application and action plan by June 30, 2002. Upon  
38 approval by the State Board of Education, the ~~State Department of~~  
39 ~~Education~~ *department* shall allocate funding to schools for the  
40 implementation of the action plan. If the State Board of Education

1 fails to approve or disapprove the application and school action  
2 plan by June 30, 2002, the recommendation of the Superintendent  
3 of Public Instruction shall be deemed to be adopted and funding  
4 for implementation of the action plan shall be allocated.

5 (3) If the Superintendent of Public Instruction takes the action  
6 specified in subparagraph (B) of paragraph (2) of subdivision (b),  
7 the school and school district shall resubmit the application and  
8 school action plan with the clarifications and changes for approval  
9 by August 1, 2002, and the Superintendent of Public Instruction  
10 shall make a recommendation to the State Board of Education  
11 regarding approval or disapproval by September 1, 2002. The  
12 State Board of Education shall approve or disapprove the  
13 application and action plan by September 30, 2002. If the action  
14 plan is approved, the department shall allocate funding to the  
15 school district on behalf of an eligible school under its jurisdiction  
16 for implementation of the action plan. If the State Board of  
17 Education fails to approve or disapprove the application and  
18 school action plan by September 30, 2002, the recommendation of  
19 the Superintendent of Public Instruction shall be deemed to be  
20 adopted and funding for implementation of the action plan is to be  
21 allocated.

22 (4) A school district may request ~~that, and~~ the State Board of  
23 Education ~~may waive, the deadlines set forth in this subdivision.~~  
24 ~~The State Board of Education may grant a waiver request made~~  
25 ~~pursuant to this paragraph.~~

26 (d) If a school receives implementation funding during the  
27 same fiscal year it receives a fifty thousand dollar (\$50,000)  
28 planning grant, the planning grant shall be deducted from the  
29 amount of implementation funding provided to the school  
30 pursuant to subdivision (b) of Section 52055.600.

31 (e) *Notwithstanding the deadlines specified in this section, if*  
32 *funding is made available for this purpose, the State Board of*  
33 *Education may approve additional applications in the 2002–03*  
34 *and 2003–04 fiscal years from school districts that comply with the*  
35 *requirements of this article.*

36 SEC. 9. Section 52055.650 of the Education Code is amended  
37 to read:

38 52055.650. (a) Section 52055.5 does not apply to a school  
39 participating in the High Priority School Grant Program.



(b) Twenty-four months after receipt of funding for implementation of the action plan pursuant to Sections 52054.5 and 52055.600 or no sooner than July 1, 2004, a school that has not met its growth targets each year shall be subject to review by the State Board of Education. This review shall include an examination of the school's progress relative to the components and reports made pursuant to Section 52055.640. The Superintendent of Public Instruction, with the approval of the State Board of Education, may direct that the governing board of a school take appropriate action and adopt appropriate strategies to provide corrective assistance to the school in order to achieve the components and benchmarks established in the school's action plan.

(c) Thirty-six months after receipt of funding to implement a school action plan or no sooner than July 1, 2005, a school that has met or exceeded its growth target each year shall receive a monetary or nonmonetary award, under the Governor's Performance Award Program, as set forth in Section 52057. Funds received pursuant to that section may be used at the school's discretion.

(d) Thirty-six months after receipt of funding to implement a school action plan or no sooner than July 1, 2005, a school that has not met its growth targets each year, but demonstrates significant growth, as determined by the State Board of Education, shall continue to participate in the program and receive funding as specified in Sections 52054.5 and 52055.600.

(e) Notwithstanding any other provision of law, the Superintendent of Public Instruction, with the approval of the State Board of Education, shall follow the course of action prescribed by paragraph (1) or (2) with respect to a school that does not meet its growth targets within the periods described in either subdivision (c) or (d), as applicable, or no later than July 1, 2005, and has failed to show significant growth, as determined by the State Board of Education.

(1) Require the district to enter into a contract with a school assistance and intervention team.

(A) Team members should possess a high degree of knowledge and skills in the areas of school leadership, curriculum, and instruction aligned to state academic content and performance standards, classroom management and discipline, academic



1 assessment, parent-school relations, and evaluation and  
2 research-based reform strategies and have proven successful  
3 expertise specific to the challenges inherent in low-performing  
4 schools.

5 (B) The team shall provide intensive support and expertise to  
6 implement the school reform initiatives in the plan. Decisions  
7 about interventions shall be data driven. A school assistance and  
8 intervention team shall work with school staff, site planning teams,  
9 administrators, and district staff to improve pupil literacy and  
10 achievement by assessing the degree of implementation of the  
11 current action plan, refining and revising the action plan, and  
12 making recommendations to maximize the use of fiscal resources  
13 and personnel in achieving the goals of the plan. The district shall  
14 provide support and assistance to enhance the work of the team at  
15 the targeted schoolsites.

16 (C) Not later than 60 days after the school's API becomes  
17 public, the team shall complete an initial report. The report shall  
18 include recommendations for corrective actions chosen from a  
19 range of interventions, including the reallocation of district fiscal  
20 resources to ensure that appropriate resources are targeted to those  
21 specific interventions identified in the recommendations of the  
22 team for the targeted schools and other changes deemed  
23 appropriate to make progress toward meeting the school's growth  
24 target. Not later than 90 days after the API is made public, the  
25 governing board of the school district shall adopt the team's  
26 recommendations at a regularly scheduled meeting of the  
27 governing board. The governing board may not place the adoption  
28 on the consent calendar. The report shall be submitted to the  
29 Superintendent of Public Instruction and State Board of  
30 Education.

31 (D) No less than three times during the year, the school district  
32 and schoolsite shall present the team with data regarding progress  
33 toward the goals established by the team's initial assessment. The  
34 data shall be presented to the governing board of the school district  
35 at a regularly scheduled meeting. The team shall, to the extent  
36 possible, utilize existing site data. The data shall also be provided  
37 to the Superintendent of Public Instruction and State Board of  
38 Education. Every effort shall be made to report this data in a  
39 manner that minimizes the length and complexity of the reporting



1 requirement in order to maximize the focus on improving pupil  
2 literacy and achievement.

3 (E) An action taken pursuant to this paragraph shall not  
4 increase local costs or require reimbursement by the Commission  
5 on State Mandates.

6 (2) The Superintendent of Public Instruction shall assume all  
7 the legal rights, duties, and powers of the governing board with  
8 respect to the school. The Superintendent of Public Instruction, in  
9 consultation with the State Board of Education and the governing  
10 board of the school district, shall reassign the principal of that  
11 school subject to the findings in subdivision (i). In addition to  
12 reassigning the principal, the Superintendent of Public Instruction,  
13 in consultation with the State Board of Education, shall,  
14 notwithstanding any other provision of law, do at least one of the  
15 following:

16 (A) Revise attendance options for pupils to allow them to  
17 attend any public school in which space is available. If an  
18 additional attendance option is made available, this option may not  
19 require either the sending or receiving school district to incur  
20 additional transportation costs.

21 (B) Allow parents or guardians to apply directly to the State  
22 Board of Education for the establishment of a charter school and  
23 allow parents or guardians to establish the charter school at the  
24 existing schoolsite.

25 (C) Under the supervision of the Superintendent of Public  
26 Instruction, assign the management of the school to a college,  
27 university, county office of education, or other appropriate  
28 educational institution. However, the Superintendent of Public  
29 Instruction may not assume the management of the school.

30 (D) Reassign other certificated employees of the school.

31 (E) Renegotiate a new collective bargaining agreement at the  
32 expiration of the existing collective bargaining agreement.

33 (F) Reorganize the school.

34 (G) Close the school.

35 (f) In addition to the actions listed in subdivision (e), the  
36 Superintendent of Public Instruction, in consultation with the State  
37 Board of Education, may take any other action considered  
38 necessary or desirable against the school district or the school  
39 district governing board, including appointment of a new  
40 superintendent or suspension of the authority of the governing

board with respect to a school that does not meet its growth targets within the periods described in either subdivision (b) or (c), as applicable, and has failed to show significant growth, as determined by the State Board of Education.

(g) Before the Superintendent of Public Instruction may take any action against a principal pursuant to subdivision (e), the Superintendent of Public Instruction or a designee of the superintendent shall hold a public hearing on the matter in the school district and make both of the following findings:

(1) A finding that the principal had the authority to take specific enumerated actions that would have helped the school meet its performance goals.

(2) A finding that the principal failed to take specific enumerated actions pursuant to paragraph (1).

(h) An action taken pursuant to subdivision (e), (f), or (g) shall not increase local costs or require reimbursement by the Commission on State Mandates.

(i) An action taken pursuant to subdivision (e), (f), or (g) shall be accompanied by specific findings by the Superintendent of Public Instruction and the State Board of Education that the action is directly related to the identified causes for continued failure by a school to meet its performance goals.

(j) (1) Notwithstanding subdivision (a), a school participating in the High Priority School Grant Program that received a planning grant pursuant to subdivision (f) of Section 52053 in the 1999–2000 fiscal year is eligible to receive funding pursuant to Section 52055.600 in the 2002–03 fiscal year only.

(2) Notwithstanding subdivision (a), a school participating in the High Priority School Grant Program that received a planning grant pursuant to subdivision (l) of Section 52053 in the 2000–01 fiscal year is eligible to receive funding pursuant to Section 52055.600 in the 2002–03 and 2003–04 fiscal years only.

~~SEC. 8. Section 60227 is added to the Education Code, to read:~~

~~60227. The State Department of Education shall collect a fee from publishers and manufacturers submitting instructional materials for followup adoption following a curriculum framework revision pursuant to Section 60200 for the purpose of covering expenses incurred by the department and the state board in administering those adoptions. To minimize the costs of the~~

~~followup adoptions, the department and the state board shall develop and implement a simplified and streamlined review process for supplemental instructional materials. Fees charged pursuant to this section shall be based on the volume of materials submitted by each publisher and manufacturer and may not exceed the actual cost of review by the department and state board.~~

~~SEC. 9.—~~

*(k) Notwithstanding the growth target timelines set forth in subdivisions (b), (c), (d), and (e), for a school that receives funds pursuant to Section 52055.600 during the 2002–03 or 2003–04 fiscal year, the growth target deadline for subdivision (b) is December 31, 2004, and the growth target deadline for subdivisions (c), (d), and (e) is December 31, 2005.*

*SEC. 10. Section 53081 of the Education Code is amended to read:*

~~53081. (a) The Office of the Secretary for Education, the State Department of Education, the Chancellor's Office of California Community Colleges, and the Health and Human Services Agency shall enter into an interagency agreement to establish the Interagency Partnership for School-to-Career Programs. The Interagency Partnership for School-to-Career Programs~~ *The State Department of Education shall administer the School-to-Career Program and serve the following roles:*

*(1) Develop or participate in the development of accountability measurements specified in paragraph ~~(7)~~ (8) of subdivision (b) of Section 53082 for school-to-career programs to ensure that the goals of the program are being met.*

*(2) Award grants to eligible applicants that meet or exceed the criteria specified in subdivision (b) of Section 53082.*

~~*(3) Report to the Governor and the Legislature by January 30, 2002, on school-to-career performance outcomes specified in subdivision (b) of Section 53082.*~~

~~*(4) Provide technical and professional assistance to all local partnerships.*~~

~~*(5)*~~

*(4) Consult and offer advice to partnerships.*

~~*(6)*~~

*(5) Provide an informational link where local partnerships can collaborate and exchange successful and innovative methods and ideas.*

~~(b) No more than 10 percent of the available funds for the purposes of this chapter shall be available for the administrative costs of the Interagency Partnership for School-to-Career Programs.~~

*SEC. 11. Section 53083 of the Education Code is amended to read:*

53083. (a) Funds for school-to-career programs shall be distributed through the Interagency Partnership for School-to-Career Programs appropriated to the department for distribution to local partnerships for the purposes specified in subdivision (e).

(b) Funds shall be awarded through a competitive grant process where only one local partnership can receive funds for a geographic area.

(c) Funds shall be awarded to local partnerships that demonstrate gains in accountability measurements specified in paragraph ~~(7)~~ (8) of subdivision ~~(e)~~ (b) of Section 53082.

(d) The ~~Interagency Partnership~~ department is not required to fund a geographic area if the ~~Interagency Partnership~~ department concludes that no grant application satisfactorily meets the requirements specified in paragraphs (1) to ~~(7)~~ (8), inclusive, of subdivision (b) of Section 53082.

(e) Funds received through the grant process shall be used to perform the critical functions of convening, connecting, measuring, and brokering specific services that serve to build a locally defined system that provides the connections between educators, employers, local government, and the community to improve public education for all pupils in the defined geographic area. Funds may be used for the following connecting activities:

(1) Matching pupils with work-based opportunities.

(2) Using schoolsite mentors as liaisons between educators, business, parents, and community partners.

(3) Providing technical assistance to help employers and educators design comprehensive school-to-career systems.

(4) Providing technical assistance to help teachers integrate school- and work-based learning as well as academic and occupational subject matter.

(5) Encouraging active business involvement in school- and work-based activities.

(6) Assisting pupils in finding appropriate work, continuing their education or training, and linking them to other community services.

(7) Evaluating post-program outcomes to assess program success, particularly with reference to selected populations.

(8) Linking existing youth development activities with employer and industry strategies to upgrade worker skills.

*SEC. 12. Section 53084 of the Education Code is repealed.*

~~53084. The sum of two million dollars (\$2,000,000) is hereby appropriated from the General Fund to the Secretary for Education for the purposes set forth in this chapter.~~

*SEC. 13. Section 53084 is added to the Education Code, to read:*

*53084. Funding for this chapter is contingent upon an appropriation for this purpose provided in the annual Budget Act or in any other statute.*

*SEC. 14. Section 60227 is added to the Education Code, to read:*

*60227. (a) For purposes of this section, a followup adoption is any adoption other than the primary adoption that occurs within a six- or eight-year cycle established pursuant to subdivision (b) of Section 60200.*

*(b) Before conducting a followup adoption in a given subject, the department shall provide notice, pursuant to subdivision (c), to all publishers or manufacturers known to produce basic instructional materials in that subject, post an appropriate notice on the department's Web site, and take other reasonable measures to ensure that appropriate notice is widely circulated to potentially interested publishers and manufacturers.*

*(c) The notice shall specify that each publisher or manufacturer choosing to participate in the followup adoption shall be assessed a fee based upon the number of programs the publisher or manufacturer indicates will be submitted for review and the number of grade levels proposed to be covered by each program.*

*(d) The fee shall offset the cost of conducting the followup adoption process and shall reflect the department's best estimate of the cost. The department shall take reasonable steps to limit costs of the followup adoption and to keep the fee modest, recognizing that some of the work necessary for the primary adoption need not be duplicated.*



1     (e) The department, prior to incurring substantial costs for the  
2 followup adoption, shall require that a publisher or manufacturer  
3 who wishes to participate in the followup adoption first declare the  
4 intent to submit one or more specific programs for the followup  
5 adoption and specify the specific grade levels to be covered by  
6 each program. After a publisher or manufacturer has declared the  
7 intent to submit one or more programs and the grade levels to be  
8 covered by each program, a fee shall be assessed by the  
9 department. The fee shall be payable by the publisher or  
10 manufacturer even if the publisher subsequently chooses to  
11 withdraw a program or reduce the number of grade levels covered.  
12 A submission by a publisher or manufacturer may not be reviewed  
13 for purposes of adoption, either in a followup adoption or in any  
14 other primary or followup adoption conducted thereafter, until the  
15 fee assessed has been paid in full.

16     (f) (1) It is the intent of the Legislature that the fee not be so  
17 substantial that it prevents small publishers or manufacturers from  
18 participating in a followup adoption.

19     (2) Upon the request of a small publisher or manufacturer, the  
20 State Board of Education may reduce or waive the fee for  
21 participation in the followup adoption.

22     (3) The State Board of Education shall, by regulation, define  
23 “small publisher or manufacturer” for purpose of this subdivision.

24     (g) Notwithstanding subdivision (b) of Section 60200, if the  
25 department determines that there is little or no interest in  
26 participating in a followup adoption by publishers and  
27 manufacturers, it shall recommend to the State Board of Education  
28 that the followup adoption not be conducted, and the State Board  
29 of Education may chose not to conduct the followup adoption.

30     (h) Notwithstanding Section 13340 of the Government Code,  
31 revenue derived from fees charged pursuant to subdivision (c) is  
32 hereby continuously appropriated and available to the department  
33 from year to year until expended. Revenue derived from fees  
34 charged pursuant to subdivision (c) may be used to pay costs  
35 associated with any followup adoption and any costs associated  
36 with the review of instructional materials.

37     SEC. 15. Section 60422.1 is added to the Education Code, to  
38 read:

39     60422.1. (a) Notwithstanding subdivision (a) of Section  
40 60422, a local governing board shall use funding received



1 *pursuant to this chapter to ensure pupils are provided with*  
2 *standards-aligned textbooks or basic instructional materials by*  
3 *the beginning of the first school term that commences no later than*  
4 *36 months after those materials are adopted by the State Board of*  
5 *Education.*

6 *(b) This section shall remain in effect only until June 30, 2005,*  
7 *and as of that date is repealed, unless a later enacted statute, that*  
8 *is enacted before June 30, 2005, deletes or extends that date.*

9 *SEC. 16. Section 60423 of the Education Code is amended to*  
10 *read:*

11 60423. (a) Notwithstanding Section 60422 or any other law,  
12 for the 2002–03 ~~and~~, 2003–04, *and 2004–05* fiscal years only, a  
13 requirement that the governing board of a school district provide  
14 a pupil with standards-aligned instructional materials, as adopted  
15 by the State Board of Education subsequent to the adoption of  
16 content standards pursuant to Section 60605 for kindergarten and  
17 grades 1 to 8, inclusive, may be satisfied if the governing board of  
18 a school district provides a pupil with standards-aligned  
19 instructional materials that were adopted by the State Board of  
20 Education pursuant to Chapter 481 of the Statutes of 1998.

21 *(b) This section shall be in effect only until July 1, 2004 2005,*  
22 *and as of that date is repealed, unless a later enacted statute, which*  
23 *is enacted before July 1, 2004 2005, deletes or extends that date.*

24 *SEC. 17. Section 60601 of the Education Code is amended to*  
25 *read:*

26 60601. This chapter shall remain in effect only until January  
27 1, ~~2005~~ 2007, and as of that date is repealed, unless a later enacted  
28 statute, which is enacted before January 1, ~~2005~~ 2007, deletes or  
29 extends that date.

30 *SEC. 18. Section 60640 of the Education Code is amended to*  
31 *read:*

32 60640. (a) There is hereby established the Standardized  
33 Testing and Reporting Program, to be known as the STAR  
34 Program.

35 ~~(b) Commencing in the 1997–98 fiscal year and each~~ *Each*  
36 ~~fiscal year thereafter, and from the funds available for that this~~  
37 *purpose, each school district, charter school, and county office of*  
38 *education shall administer to each of its pupils in grades 2 to 11,*  
39 *inclusive, the achievement test designated by the State Board of*  
40 *Education pursuant to Section 60642 and the standards-based*

1 achievement test provided for in Section 60642.5. The State Board  
2 of Education shall establish a testing period to provide that all  
3 schools administer these tests to pupils at approximately the same  
4 time during the instructional year, except as necessary to ensure  
5 test security and to meet the final filing date.

6 (c) The publisher and the school district shall provide two  
7 makeup days for the testing of previously absent pupils within the  
8 testing period established by the State Board of Education in  
9 subdivision (b).

10 (d) The governing board of the school district may administer  
11 achievement tests in kindergarten and grade 1 or 12, or both, as it  
12 deems appropriate.

13 (e) Pursuant to paragraph (17) of subsection (a) of Section 1412  
14 of Title 20 of the United States Code, individuals with exceptional  
15 needs, as defined in Section 56026, shall be included in the testing  
16 requirement of subdivision (b) with appropriate accommodations  
17 in administration, where necessary, and those individuals with  
18 exceptional needs who are unable to participate in the testing, even  
19 with accommodations, ~~will~~ shall be given an alternate assessment.

20 (f) At the school district's option, pupils of limited English  
21 proficiency who are enrolled in any of grades 2 to 11, inclusive,  
22 may take a second achievement test in their primary language.  
23 Primary language tests administered pursuant to this subdivision  
24 and subdivision (g) shall be subject to the requirements of  
25 subdivision (a) of Section 60641. These primary language tests  
26 shall produce individual pupil scores that are valid and reliable.  
27 Notwithstanding any other ~~provision of~~ law, the State Board of  
28 Education shall designate for use, as part of this program, a single  
29 primary language test in each language for which a test is available  
30 for grades 2 to 11, inclusive, no later than November 14, 1998,  
31 pursuant to the process used for designation of the assessment  
32 chosen in the 1997–98 fiscal year, as specified in Sections 60642  
33 and 60643, as applicable.

34 (g) Pupils of limited English proficiency who are enrolled in  
35 any of grades 2 to 11, inclusive, shall be required to take a test in  
36 their primary language if a test is available, if fewer than 12 months  
37 have elapsed after their initial enrollment in any public school in  
38 the state.

(h) (1) The Superintendent of Public Instruction shall apportion funds to school districts to enable school districts to meet the requirements of subdivisions (b), (f), and (g).

(2) The State Board of Education shall annually establish the amount of funding to be apportioned to school districts for each test administered and shall annually establish the amount that each publisher shall be paid for each test administered under the agreements required pursuant to Section 60643. The amounts to be paid to the publishers shall be determined by considering the cost estimates submitted by each publisher each September and the amount included in the Budget Act and by making allowance for the estimated costs to school districts for compliance with the requirements of subdivisions (b), (f), and (g).

(3) An adjustment to the amount of funding to be apportioned per test may not be valid without the approval of the Director of Finance. A request for approval of an adjustment to the amount of funding to be apportioned per test shall be submitted in writing to the Director of Finance and the chairpersons of the fiscal committees of both houses of the Legislature with accompanying material justifying the proposed adjustment. The Director of Finance is authorized to approve only those adjustments related to activities required by statute. The Director of Finance shall approve or disapprove the amount within 30 days of receipt of the request and shall notify the chairpersons of the fiscal committees of both houses of the Legislature of the decision.

(i) For the purposes of making the computations required by Section 8 of Article XVI of the California Constitution, the appropriation for the apportionments made pursuant to paragraph (1) of subdivision (h), and the payments made to the publishers under the contracts required pursuant to Section 60643 or subparagraph (C) of paragraph (1) of subdivision (a) of Section 60605 between the ~~State Department of Education~~ *department* and the contractor, ~~shall be deemed to be~~ *are* “General Fund revenues appropriated for school districts,” as defined in subdivision (c) of Section 41202 ~~of the Education Code~~, for the applicable fiscal year, and included within the “total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B,” as defined in subdivision (e) of Section 41202 ~~of the Education Code~~, for that fiscal year.

(j) As a condition to receiving an apportionment pursuant to subdivision (h), a school district shall report to the superintendent all of the following:

(1) The number of pupils enrolled in the school district in grades 2 to 11, inclusive.

(2) The number of pupils to whom an achievement test was administered in grades 2 to 11, inclusive, in the school district.

(3) The number of pupils in paragraph (1) who were exempted from the test at the request of their parents or guardians.

*(k) This section shall remain in effect only until June 30, 2004, and as of that date is repealed, unless a later enacted statute, that is enacted before June 30, 2004, deletes or extends that date.*

*SEC. 19. Section 60640 is added to the Education Code, to read:*

*60640. (a) There is hereby established the Standardized Testing and Reporting Program, to be known as the STAR Program.*

*(b) Commencing in the 2004–05 fiscal year and each fiscal year thereafter, and from the funds available for that purpose, each school district, charter school, and county office of education shall administer to each of its pupils in grades \_\_\_\_ and \_\_\_\_ the achievement test designated by the State Board of Education pursuant to Section 60642 and shall administer to each of its pupils in grades 2 to 11, inclusive, the standards-based achievement test provided for in Section 60642.5. The State Board of Education shall establish a testing period to provide that all schools administer these tests to pupils at approximately the same time during the instructional year, except as necessary to ensure test security and to meet the final filing date.*

*(c) The publisher and the school district shall provide two makeup days for the testing of previously absent pupils within the testing period established by the State Board of Education in subdivision (b).*

*(d) The governing board of the school district may administer achievement tests in grades other than those required by subdivision (b) as it deems appropriate.*

*(e) Pursuant to paragraph (17) of subsection (a) of Section 1412 of Title 20 of the United States Code, individuals with exceptional needs, as defined in Section 56026, shall be included in the testing requirement of subdivision (b) with appropriate*

1 accommodations in administration, where necessary, and those  
2 individuals with exceptional needs who are unable to participate  
3 in the testing, even with accommodations, shall be given an  
4 alternate assessment.

5 (f) At the school district's option, pupils of limited English  
6 proficiency who are enrolled in any of grades 2 to 11, inclusive,  
7 may take a second achievement test in their primary language.  
8 Primary language tests administered pursuant to this subdivision  
9 and subdivision (g) shall be subject to the requirements of  
10 subdivision (a) of Section 60641. These primary language tests  
11 shall produce individual pupil scores that are valid and reliable.  
12 Notwithstanding any other law, the State Board of Education shall  
13 designate for use, as part of this program, a single primary  
14 language test in each language for which a test is available for  
15 grades 2 to 11, inclusive, pursuant to the process used for  
16 designation of the assessment chosen in the 1997–98 fiscal year,  
17 as specified in Sections 60642 and 60643, as applicable.

18 (g) Pupils of limited English proficiency who are enrolled in  
19 any of grades 2 to 11, inclusive, shall be required to take a test in  
20 their primary language if a test is available, if fewer than 12  
21 months have elapsed after their initial enrollment in any public  
22 school in the state.

23 (h) (1) The Superintendent of Public Instruction shall  
24 apportion funds to school districts to enable school districts to  
25 meet the requirements of subdivisions (b), (f), and (g).

26 (2) The State Board of Education shall annually establish the  
27 amount of funding to be apportioned to school districts for each  
28 test administered and shall annually establish the amount that  
29 each publisher shall be paid for each test administered under the  
30 agreements required pursuant to Section 60643. The amounts to be  
31 paid to the publishers shall be determined by considering the cost  
32 estimates submitted by each publisher each September and the  
33 amount included in the Budget Act and by making allowance for  
34 the estimated costs to school districts for compliance with the  
35 requirements of subdivisions (b), (f), and (g).

36 (3) An adjustment to the amount of funding to be apportioned  
37 per test may not be valid without the approval of the Director of  
38 Finance. A request for approval of an adjustment to the amount of  
39 funding to be apportioned per test shall be submitted in writing to  
40 the Director of Finance and the chairpersons of the fiscal

1 committees of both houses of the Legislature with accompanying  
2 material justifying the proposed adjustment. The Director of  
3 Finance is authorized to approve only those adjustments related to  
4 activities required by statute. The Director of Finance shall  
5 approve or disapprove the amount within 30 days of receipt of the  
6 request and shall notify the chairpersons of the fiscal committees  
7 of both houses of the Legislature of the decision.

8 (i) For the purposes of making the computations required by  
9 Section 8 of Article XVI of the California Constitution, the  
10 appropriation for the apportionments made pursuant to  
11 paragraph (1) of subdivision (h), and the payments made to the  
12 publishers under the contracts required pursuant to Section 60643  
13 or subparagraph (C) of paragraph (1) of subdivision (a) of Section  
14 60605 between the department and the contractor, are "General  
15 Fund revenues appropriated for school districts," as defined in  
16 subdivision (c) of Section 41202, for the applicable fiscal year, and  
17 included within the "total allocations to school districts and  
18 community college districts from General Fund proceeds of taxes  
19 appropriated pursuant to Article XIII B," as defined in  
20 subdivision (e) of Section 41202, for that fiscal year.

21 (j) As a condition to receiving an apportionment pursuant to  
22 subdivision (h), a school district shall report to the superintendent  
23 all of the following:

24 (1) The number of pupils enrolled in the school district in  
25 grades 2 to 11, inclusive.

26 (2) The number of pupils to whom an achievement test was  
27 administered in grades 2 to 11, inclusive, in the school district.

28 (3) The number of pupils in paragraph (1) who were exempted  
29 from the test at the request of their parents or guardians.

30 (k) This section shall become operative July 1, 2004.

31 SEC. 20. Section 60642 of the Education Code is amended to  
32 read:

33 60642. (a) The Superintendent of Public Instruction and the  
34 State Board of Education may consider any evaluations of  
35 independent experts who have not been employed by a test  
36 publisher in the preceding 12 months regarding the suitability of  
37 the achievement tests submitted by publishers as required by  
38 subdivision (b) of Section 60605 for use as part of the STAR  
39 Program established by this article.



(b) Based upon a review of the achievement tests submitted and the recommendation made by the Superintendent of Public Instruction pursuant to subdivision (b) of Section 60605, the State Board of Education, in its sole discretion, based on the considerations set forth in Section 60644, shall designate for use as part of the STAR Program a single test in grades 2 to 11, inclusive.

(c) The State Board of Education shall ensure that the achievement test designated pursuant to subdivision (b) contains the subject areas specified in subdivision (c) of Section 60603 for grades 2 to 8, inclusive, and the core curriculum areas of English and language arts, mathematics, and science for grades 9 to 11, inclusive.

(d) The State Board of Education is hereby authorized to designate the achievement test to be administered pursuant to this article for more than one academic year subject to the availability of funds.

(e) The board shall minimize, to the extent it deems feasible, the amount of testing time required by the assessment in subdivision (b) for those content areas for which there also exists a standards-based examination as provided for pursuant to Section 60642.5.

*(f) This section shall remain in effect only until June 30, 2004, and as of that date is repealed, unless a later enacted statute, that is enacted before June 30, 2004, deletes or extends that date.*

SEC. 21. Section 60642 is added to the Education Code, to read:

60642. (a) The Superintendent of Public Instruction and the State Board of Education may consider any evaluations of independent experts who have not been employed by a test publisher in the preceding 12 months regarding the suitability of the achievement tests submitted by publishers as required by subdivision (b) of Section 60605 for use as part of the STAR Program established by this article.

(b) Based upon a review of the achievement tests submitted and the recommendation made by the Superintendent of Public Instruction pursuant to subdivision (b) of Section 60605, the State Board of Education, in its sole discretion, based on the considerations set forth in Section 60644, shall designate for use as part of the STAR Program a single test in grades \_\_\_\_ and \_\_\_\_.



1 (c) The State Board of Education shall ensure that the  
2 achievement test designated pursuant to subdivision (b) contains  
3 the subject areas specified in subdivision (c) of Section 60603 for  
4 grades \_\_\_\_ and \_\_\_\_.

5 (d) The State Board of Education is hereby authorized to  
6 designate the achievement test to be administered pursuant to this  
7 article for more than one academic year subject to the availability  
8 of funds.

9 (e) The board shall minimize, to the extent it deems feasible, the  
10 amount of testing time required by the assessment in subdivision  
11 (b) for those content areas for which there also exists a  
12 standards-based examination as provided for pursuant to Section  
13 60642.5.

14 (f) This section shall become operative on July 1, 2004.

15 SEC. 22. Article 5 (commencing with Section 60650) of  
16 Chapter 5 of Part 33 of the Education Code is repealed.

17 SEC. 23. Section 60800 of the Education Code is amended to  
18 read:

19 60800. (a) During the month of February, March, April, or  
20 May, the governing board of each school district maintaining any  
21 of grades 5, 7, and 9 shall administer to each pupil in those grades  
22 the physical performance test *tests* designated by the State Board  
23 of Education. Each physically handicapped pupil and each pupil  
24 who is physically unable to take all of the physical performance  
25 ~~test~~ test shall be given as much of the test as his or her condition  
26 will permit.

27 (b) Upon request of the State Department of Education, a  
28 school district shall submit to the department, at least once every  
29 two years, the results of its physical performance testing.

30 (c) Pupils shall be provided with their individual results after  
31 completing the physical performance testing.

32 (d) The governing board of a school district shall report the  
33 aggregate results of its physical performance testing administered  
34 pursuant to this section in their annual school accountability report  
35 card required by Sections 33126 and 35256.

36 ~~SEC. 10.—~~

37 SEC. 24. Section 69440 of the Education Code is amended to  
38 read:

39 69440. (a) Commencing with the 2001–02 academic year,  
40 and each academic year thereafter, Cal Grant T awards shall be

1 used only for tuition and student fees for a maximum of one  
2 academic year of full-time attendance in a program of professional  
3 preparation that has been approved by the California Commission  
4 on Teacher Credentialing. The maximum award amount, and the  
5 total amount of funding, shall be determined each year in the  
6 annual Budget Act. As a condition of receiving a Cal Grant T  
7 award, a recipient shall teach for one year in a low-performing  
8 school, as defined in paragraph (3) of subdivision (c) of Section  
9 44510, for each two thousand dollar (\$2,000) incentive provided  
10 through the Cal Grant T Program, for a period not to exceed four  
11 years. Any recipient who fails to meet his or her teaching  
12 obligation shall repay the Cal Grant T award.

13 (b) The commission shall allocate Cal Grant T awards using  
14 academic criteria or criteria related to past performance similar to  
15 that used in awarding Cal Grant A awards for the 2000–01  
16 academic year.

17 ~~SEC. 11.—~~

18 *SEC. 25.* Section 69999.3 is added to the Education Code, to  
19 read:

20 69999.3. No award may be made pursuant to this article based  
21 on a test taken in 2003. A pupil is not entitled to an award pursuant  
22 to this article based on a test taken in 2003.

23 ~~SEC. 12.—Section 76355 of the Education Code is amended to~~  
24 ~~read:~~

25 ~~76355.—(a) The governing board of a district maintaining a~~  
26 ~~community college may require community college students to~~  
27 ~~pay a fee for health supervision and services, including direct or~~  
28 ~~indirect medical and hospitalization services, or the operation of~~  
29 ~~a student health center or centers, or both.~~

30 ~~(b) If, pursuant to this section, a fee is required, the governing~~  
31 ~~board of the district shall decide the amount of the fee, if any, that~~  
32 ~~a part-time student is required to pay. The governing board may~~  
33 ~~decide whether the fee shall be mandatory or optional.~~

34 ~~(c) The governing board of a district maintaining a community~~  
35 ~~college shall adopt rules and regulations that exempt the following~~  
36 ~~students from any fee required pursuant to subdivision (a):~~

37 ~~(1) Students who depend exclusively upon prayer for healing~~  
38 ~~in accordance with the teachings of a bona fide religious sect,~~  
39 ~~denomination, or organization.~~

~~(2) Students who are attending a community college under an approved apprenticeship training program.~~

~~(3) Low-income students, including students who demonstrate financial need in accordance with the methodology set forth in federal law or regulation for determining the expected family contribution of students seeking financial aid and students who demonstrate eligibility according to income standards established by the board of governors and contained in Section 58620 of Title 5 of the California Code of Regulations.~~

~~(d) (1) All fees collected pursuant to this section shall be deposited in the fund of the district designated by the California Community Colleges Budget and Accounting Manual. These fees shall be expended only to provide health services as specified in regulations adopted by the board of governors.~~

~~(2) Authorized expenditures may not include, among other things, athletic trainers' salaries, athletic insurance, medical supplies for athletics, physical examinations for intercollegiate athletics, ambulance services, the salaries of health professionals for athletic events, any deductible portion of accident claims filed for athletic team members, or any other expense that is not available to all students. No student shall be denied a service supported by student health fees on account of participation in athletic programs.~~

~~(e) Any community college district that provided health services in the 1986-87 fiscal year shall maintain health services, at the level provided during the 1986-87 fiscal year, and each fiscal year thereafter.~~

~~(f) A district that begins charging a health fee may use funds for startup costs from other district funds and may recover all or part of those funds from health fees collected within the first five years following the commencement of charging the fee.~~

~~(g) The board of governors shall adopt regulations that generally describe the types of health services included in the health service program.~~

~~SEC. 13.—~~

~~SEC. 26. Section 84750 of the Education Code is amended to read:~~

~~84750. The board of governors, in accordance with the statewide requirements contained in subdivisions (a) to (j), inclusive, and in consultation with institutional representatives of~~

1 the California Community Colleges and statewide faculty and staff  
2 organizations, so as to ensure their participation in the  
3 development and review of policy proposals, shall develop criteria  
4 and standards for the purposes of making the annual budget  
5 request for the California Community Colleges to the Governor  
6 and the Legislature, and for the purpose of allocating the state  
7 general apportionment revenues.

8 In developing the criteria and standards, the board of governors  
9 shall utilize and strongly consider the guidelines and work  
10 products of the Task Force on Community College Financing as  
11 established pursuant to Chapter 1465 of the Statutes of 1986, and  
12 shall complete the development of these criteria and standards,  
13 accompanied by the necessary procedures, processes, and  
14 formulas for utilizing its criteria and standards, by March 1, 1990,  
15 and shall submit on or before that date a report on these items to  
16 the Legislature and the Governor.

17 The board of governors shall develop the criteria and standards  
18 within the following statewide minimum requirements:

19 (a) The calculations of each community college district's  
20 revenue level for each fiscal year shall be based on the level of  
21 general apportionment revenues (state and local) the district  
22 received for the prior year plus any amount attributed to a deficit  
23 of minimum workload growth, with revenue adjustments being  
24 made for increases or decreases in workload, for program  
25 improvement as authorized by this section or by any other  
26 provision of law, for inflation, and for other purposes authorized  
27 by law.

28 (b) (1) For credit instruction, the funding mechanism  
29 developed pursuant to this section shall recognize the needs among  
30 the major categories of operation of community colleges, with  
31 categories established for instruction, instructional services and  
32 libraries, student services, maintenance and operations, and  
33 institutional support.

34 (2) The board of governors may propose to the Legislature, for  
35 enactment by statute, other cost categories when adequate data  
36 exist.

37 (3) Funding for noncredit classes shall be determined as  
38 follows:

39 (A) The preliminary amount per noncredit full-time equivalent  
40 student (FTES) for 1991-92 shall be equal to the comparable

1 amount for 1990–91 with increases corresponding to the  
2 cost-of-living adjustment (COLA) specified in subdivision (e) and  
3 corresponding to any program improvement provided to the  
4 maintenance and operations category for 1991–92.

5 (B) Funds for maintenance and operations shall be included in  
6 the funds derived under paragraph (4) of subdivision (c).

7 (C) Funds for institutional support will be derived as part of the  
8 computation under paragraph (5) of subdivision (c).

9 (D) From the preliminary amount described in subparagraph  
10 (A), a deduction shall be made corresponding to the amounts  
11 derived in subparagraphs (B) and (C), and the remainder shall be  
12 the funded amount per noncredit FTES for 1991–92.

13 (E) Changes in noncredit FTES shall result in adjustments to  
14 revenues as follows:

15 (i) Increases in noncredit FTES shall result in an increase in  
16 revenues in the year of the increase and at the average rate per  
17 noncredit FTES.

18 (ii) Decreases in noncredit FTES shall result in a revenue  
19 reduction in the year following the decrease and at the average rate  
20 per noncredit FTES.

21 (iii) Districts shall be entitled to restore any reductions in  
22 apportionment revenue due to decrease in noncredit FTES during  
23 the year following the initial year of decrease in noncredit FTES  
24 if there is a subsequent increase in FTES.

25 (4) Except as otherwise provided by statute, current categorical  
26 programs providing direct services to students, including extended  
27 opportunity programs and services, and disabled students  
28 programs and services, shall continue to be funded separately  
29 through the annual Budget Act, and shall not be assumed under  
30 budget formulas of program-based funding.

31 (5) District revenues shall be determined based on systemwide  
32 funding standards within the categories, and revenue adjustments  
33 shall occur based on distinct measures of workload applicable to  
34 each category.

35 (c) Workload measures applicable to each category shall be  
36 established with the following measures to be provided:

37 (1) For credit instruction, the workload measure shall be the  
38 credit FTES. Changes in credit FTES shall result in adjustments  
39 in revenues as follows:

1 (A) Increases in FTES shall result in an increase in revenues in  
2 the year of the increase and at the statewide average per FTES.

3 (B) Decreases in FTES shall result in a revenue reduction in the  
4 year following the decrease and at the district's average FTES.

5 (C) Districts shall be entitled to restore any reductions in  
6 apportionment revenue due to decrease in FTES during the ~~three~~  
7 ~~years~~ year following the initial year of decrease in FTES if there  
8 is a subsequent increase in FTES.

9 (2) For instructional services and libraries, the workload  
10 measure shall be the credit FTES. Changes in credit FTES with  
11 respect to instructional services and libraries shall result in  
12 adjustments to revenues as follows:

13 (A) Increases in FTES shall result in an increase in revenues in  
14 the year of the increase and at the statewide average rate per FTES.

15 (B) Decreases in FTES shall result in a revenue reduction in the  
16 year following the decrease and at the district's average per FTES.

17 (C) Districts shall be entitled to restore any reductions in  
18 apportionment revenue due to decreases in FTES during the ~~three~~  
19 ~~years~~ year following the initial year of decreases in FTES if there  
20 is a subsequent increase in FTES.

21 (3) For student services, the workload measure shall be based  
22 on the numbers of credit students enrolled (headcount).

23 Changes in headcount shall result in adjustments to revenues as  
24 follows:

25 (A) Increases in headcount shall result in an increase in  
26 revenues in the year of the increase at the statewide average per  
27 headcount.

28 (B) Decreases in headcount shall result in a revenue reduction  
29 in the year following the decrease ~~and~~ at the district's average per  
30 headcount.

31 (C) Districts shall be entitled to restore any reductions in  
32 apportionment revenue due to decrease in headcount during the  
33 ~~three years~~ year following the initial year of decrease in headcount  
34 if there is a subsequent increase in headcount.

35 (4) For maintenance and operations, the workload measure  
36 shall be based on the number of square feet of owned or leased  
37 facilities. Changes in the number of square feet shall be adjusted  
38 as follows:

1 (A) Increases in the number of square feet shall result in an  
2 increase in revenue in the year that the increase occurs and at the  
3 average per square foot.

4 (B) Decreases in the number of square feet shall result in a  
5 decrease in revenue beginning July 1 of the first full year in which  
6 the square feet are no longer owned or leased and at the average  
7 rate per square foot.

8 (5) For institutional support, a single fixed percentage which  
9 shall apply to all districts shall be established based on the pattern  
10 from the most recent data. The percentage shall be obtained from  
11 statewide data by comparing expenditures for this category with  
12 the total revenue for all five categories.

13 (d) Funding standards, subject to the conditions and criteria of  
14 this section, shall be established by the board for the various  
15 categories of operation established pursuant to subdivision (b). In  
16 consultation as required by subdivision (e) of Section 70901, the  
17 board of governors shall annually request program improvement  
18 moneys to assist districts in meeting these standards.

19 (e) To the extent that funding is provided in the annual budget,  
20 revenue adjustments shall be made to reflect cost changes, using  
21 the same inflation adjustment as required for school districts  
22 pursuant to subdivision (b) of Section 42238.1.

23 (f) An adjustment for economies of scale for districts and  
24 colleges shall be provided.

25 (g) The statewide increase in workload of FTES and headcount  
26 shall be, at a minimum, the rate of change of the adult population  
27 as determined by the Department of Finance, and may be increased  
28 through the budget process to reflect ~~such other factors as~~ *other*  
29 *factors, including* statewide priorities, the unemployment rate, and  
30 the number of students graduating from California high schools.  
31 The allocation of changes on a district-by-district basis shall be  
32 determined by the board of governors.

33 (h) For fiscal year 1991–92 or on the date Section 84750 is  
34 implemented by the board of governors in accordance with  
35 Section 70 of Chapter 973 of the Statutes of 1988, whichever is  
36 later, all districts shall receive at least the amount of revenue to  
37 which they would have been entitled pursuant to Article 1  
38 (commencing with Section 84700) of Chapter 5 of Part 50.  
39 Thereafter, allocations shall be made pursuant to this section, as



1 implemented by the board of governors pursuant to the annual  
2 State Budget.

3 (i) Except as specifically provided by statute, regulations of the  
4 board of governors for determining and allocating the state general  
5 apportionment to the community colleges may not require district  
6 governing boards to expend the allocated revenues in specified  
7 categories of operation or according to the workload measures  
8 developed by the board of governors.

9 (j) As used in this section:

10 (1) “Criteria” means the definitions of elements of  
11 institutional practice or activity to be included in the categories of  
12 operation of community college districts.

13 (2) “Program improvement” means an increase in revenue  
14 which is allocated to all districts to fund standards adopted  
15 pursuant to subdivision (d). Program improvement also means an  
16 increase in revenue allocated to low revenue districts to bring them  
17 closer to the statewide average.

18 (3) “Standard” means the appropriate level of service in a  
19 category of operation of the community college districts.

20 ~~SEC. 14.—~~

21 *SEC. 27.* Chapter 7 (commencing with Section 99300) of Part  
22 65 of the Education Code is repealed.

23 ~~SEC. 15.—~~

24 *SEC. 28.* Chapter 1.2 (commencing with Section 628) of Title  
25 15 of Part 1 of the Penal Code is repealed.

26 ~~SEC. 16.—~~

27 *SEC. 29.* *Notwithstanding Section 17610 of the Government*  
28 *Code, if the Commission on State Mandates determines that this*  
29 *act contains costs mandated by the state, reimbursement to local*  
30 *agencies and school districts for those costs shall be made*  
31 *pursuant to Part 7 (commencing with Section 17500) of Division*  
32 *4 of Title 2 of the Government Code. If the statewide cost of the*  
33 *claim for reimbursement does not exceed one million dollars*  
34 *(\$1,000,000), reimbursement shall be made from the State*  
35 *Mandates Claims Fund.*

36 *SEC. 30.* This act is an urgency statute necessary for the  
37 immediate preservation of the public peace, health, or safety  
38 within the meaning of Article IV of the Constitution and shall go  
39 into immediate effect. The facts constituting the necessity are:

- 1 In order to make the necessary statutory changes to implement
- 2 the Budget Act of 2003 at the earliest possible time, it is necessary
- 3 that this act take effect immediately.

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